



City of Kennesaw
PLANNING COMMISSION
Meeting Minutes

Doug Rhodes, Chairman
Allan Davis, Vice-Chairman
Jeff Powers, Fred Moore, Richard Anderson
Helen Scholes and Debra Williams

Wednesday, February 03, 2010

7:00PM

City Hall Council Chambers

Doug Rhodes, Chairman called the meeting of the Kennesaw Planning Commission to order at 7:00P.M. in the Council Chambers, 2529 J.O. Stephenson Avenue. He welcomed new member Debra Williams to the Commission. Roll call was taken and the following members were present: Doug Rhodes, Jeff Powers, Richard Anderson, Allan Davis and Debra Williams. Absent: Helen Scholes and Fred Moore.

City staff representative, Darryl Simmons, Zoning Administrator, Diane Wroblewski, Assistant Zoning Administrator was present. Council Liaison, Bruce Jenkins was also present.

The public was advised that the Planning Commission serves as an Advisory Board that makes recommendations to the Mayor and Council which are to be heard on February 15, 2010 at 6:30p.m. unless otherwise noted. Chairman instructed anyone giving comments in the public session to please sign in and noted that limitation of 10 minutes per side would be allowed.

Action on Minutes – January 06, 2010

Alan Davis made motion, seconded by Richard Anderson to approve the minutes of January 06, 2010, meeting as submitted.

Motion carried. Vote: 3-0-1 Yeas: Jeff Powers, Richard Anderson, and Allan Davis. Abstained: Debra Williams.

Public Hearings - Presented by Darryl Simmons, Zoning Administrator

1. **Amending the Livable Centers Initiative study.** The proposed amendment will update the 5 year implementation plan.

Mr. Simmons presented information regarding the LCI update. The City of Kennesaw LCI study and master plan was awarded and adopted by the City in 2003. It is required to be updated and in the last five years the City has witness growth and a transition to the downtown area. The proposed LCI update report includes key components such as: report of accomplishments, the five year implementation plan, challenges and the appendix, which provides supporting documentation for the update.

Brief presentation of the components was discussed. The **report of accomplishments** provided an itemized list of completed projects and actions within the 2003 LCI study. Transportation projects, sidewalks, signalization and trails; Housing projects and initiatives, Ordinance updates within the Central Business District, which provided housing alternatives within the downtown area, expansion of redevelopment areas, Local initiatives, Main Street assemblage, Main Street and J.O. Stephenson proposed retail commercial and residential development, Preservation area protection, design standards, Downtown Depot Master Plan and pedestrian underpass and Downtown Signage Program. **Challenges** Financial and Intergovernmental Partnerships. Finances is a key component to reaching goals and the relationship with Cobb County government and adjoining cities are a viable resources solutions to issues which the City is pursuing.

Staff recommends approval and transmission of the update report to Atlanta Regional Commission.

Floor opened for public comment, being none floor was closed for public comment.

Motion was made by Richard Anderson, seconded by Alan Davis to make recommendation to the Mayor and Council for their approval and transmittal to Atlanta Regional Commission.

Motion carried. Vote 4-0 Yeas: Jeff Powers, Allan Davis, Richard Anderson and Debra Williams. Nays: None.

2. **Impact Fee Ordinance and methodology report.** This ordinance and report would adjust the impact fees collected from new residential development and commercial development. As part of the review process as required by the Development Impact Fee Act of the Official Code of Georgia Annotated, Title 36, Chapter 71, Atlanta Regional Commission and the Department of Community Affairs has reviewed the new ordinance and methodology report as well as the City of Kennesaw's Impact Advisory Committee
3. **Consideration to adopt the revised Capital Improvement Element** as an amendment to the City's Comprehensive Plan. This amendment pertains to adopting New Impact Fee Ordinance and Methodology Report.

Items # 2 & 3 are being present concurrently by Mr. Simmons, Zoning Administrator.

The adoption of the Methodology Report and the Impact Fee Ordinance authorizes the City of Kennesaw to collect up to a maximum allowable fee for new development. The fee charges for new development are to offset services by Parks and Recreation and Police.

Members of the commission reviewed and discussed the proposed changes from the current impact fee schedule (\$699.00 for residential) and the proposed new impact fee schedule (maximum to \$1,542.41). Mr. Simmons noted that the current ordinance does not allow for collection of fees from commercial development and what is being proposed would also allow for the collection of fees from commercial as well as the residential occupancy. Any fees collected for commercial development would be applied to the police level for service and the residential would incorporate fees collected for both police level of service and Parks and Recreational fees. Commission reviewed the supplied Impact Fee Calculation Comparison for Different Occupancies, example a 5000 square foot day care center would collect impact fee per square footage of \$0.116 for a total of \$580.00. Some commercial buildings can be based on Per Employee, Per Bed, and Per Room scenario.

Staff commented that all guidelines were followed in preparing the proposed methodology report. An outside consultant, Ross and Associates prepared the report, surveys were included from all department heads and local businesses and review of all documentation was presented to an impact fee committee for comments. There is a requirement for two public hearings, one of which is tonight here at the planning commission and the second to be considered at the Mayor and Council meeting scheduled for February 15, 2010.

It was staff's recommendation at approval for the Methodology Report and Impact Fee with the following conditions:

1. That collection of those fees begin in 2011
2. Changing the current fee from \$699 to the maximum of \$1,542.41 with starting at collection of \$900 and moving up in increments in following an approved amendment after review after 2014. (this would allow for checks and balances)
3. Commercial collection fees would be based on the table contained in the Methodology Report by square footage or use.

Staff will prepare a memo to be presented to the Mayor and Council regarding staff's proposal for consideration to adoption of the Methodology Report, Impact Fee Schedule and updating the Capital Improvement Element to the Comprehensive Plan.

Floor opened for public comment, being none floor was closed for public comment.

Motion was made by Jeff Powers, seconded by Richard Anderson to make recommendation to the Mayor and Council for their approval and adoption of the Methodology Report, Impact Fee Ordinance and the approval of the amendment to the Capital Improvement Element all with staff's timeline recommendation.

Motion carried. Vote 4-0 Yeas: Jeff Powers, Allan Davis, Richard Anderson and Debra Williams. Nays: None.

(AX2010-01) - Annexation Request Consideration to approve an annexation request submitted by Hank Picken (Picken Properties, LLC, for property located at 2750 McCollum Parkway. Applicant is seeking to annex property from County LI (Light Industrial) to City LI (Light Industrial) to allow continue use of existing

light industrial business. Property identified as Land Lot 136, Tax Parcel 179, 20th District, 2nd Section, consisting of .1.917+/- acres. (Mayor and Council 02/15/2010)

Zoning Administrator, Darryl Simmons came forward to present concurrent the applications for Annexation, rezoning and the requested variance. In response to the referenced annexation proposal, Cobb County submitted a formal notice of non-objection to the proposed annexation. Their response was based on the IC guidelines in the HB489 Intergovernmental Land Use Agreement and according to their Future Land Use Map the parcel is in a Light Industrial area. The property is contiguous with the existing Kennesaw boundary.

Applicant wishes to annex the property into the City limits so that this facility will be an additional point of operation adjoining the existing business in operation directly across the street (Beaumont Products) from Big Shanty Road. The Beaumont Products business is a growing citrus cleaning products company located at 1560 Big Shanty drive. This annexation and rezoning of this parcel from County LI (Light Industrial) to City LI (Light Industrial) will facilitate facility expansion of operations.

Future Land Use goals for the County and City are the same for this area. Industrial compatible designation is the concurrent land use goal for both jurisdictions resulting in the written letter of no objection from Cobb County dated January 7, 2010. Subject parcel contains an existing industrial building and existing parking currently unoccupied.

Darryl Simmons, Zoning Administrator, recommends the following:

Planning and Zoning Administrator, Darryl Simmons, recommends the following:

1. **Annexation** - Approval
2. **Rezoning** – Approval
3. **Variance- side setback reduction from 20 feet to 10.9 feet** - Approval

His recommendation for the approvals for the annexation, rezoning and the requested variance is based on the City of Kennesaw's long term land use plans, which include annexation of compatible parcels where business expansion and land use objectives are being met. Intergovernmental agreement supports the land use compatibility.

Some noted concerns and observation included the entrance at Big Shanty, which needs improvement to correct the site distance and curvature problem. Commission members voiced their safety concerns and the need for a plan of action. What the visual impact would be along Big Shanty was discussed with viable options to include possible signage and review of traffic studies. Any improvement at Big Shanty Road may require the necessary right-of-way to be dedicated at time of improvement.

City of Kennesaw Public Works, Economic Development, Planning/Zoning Departments worked with applicant to design a compliant access point from Big Shanty Road. Mayor and Council approved

development agreement to allow construction of appropriate accel/decel lanes and curbing along Big Shanty Road specific to this parcel.

Mr. Hank Pickens, applicant, came forward to discuss matters of his application, which included egress and access along Big Shanty. He has been in contact with City staff regarding matters and that a conceptual design has been approved by Public Works. Mr. Simmons, Zoning Administrator, noted that the applicant has been communicating with staff since the beginning of their request for annexation and that all state, local requirements will be met. He noted the commission's concern about the mid-block crossing and will work with other City personnel during the process and to insure that all safety concerns are addressed including possible light warning and proper crosswalk design be considered.

Floor opened for public comment, being none floor was closed for public comment.

Motion was made by Jeff Powers, seconded by Richard Anderson **to annex parcel from County LI (Light Industrial) to City LI (Light Industrial)** for the property located at 2750 McCollum Parkway and identified as Land Lot 136, Tax Parcel 179, consisting of 1.91 +/- acres.

Motion carried. Vote: 4-0 Yeas: Jeff Powers, Allan Davis, Richard Anderson and Debra Williams. Nays: None.

(RZ2010-01) - Rezoning Request Consideration to approve a rezoning request submitted by Hank Picken (Picken Properties, LLC, for property located at 2750 McCollum Parkway. Applicant is seeking to rezone property from County LI (Light Industrial) to City LI (Light Industrial) to allow continue use of existing commercial business. Property identified as Land Lot 136, Tax Parcel 179, 20th District, 2nd Section, consisting of .1.917+/- acres. (Mayor and Council 02/15/2010)

Motion was made by Jeff Powers, seconded by Richard Anderson **to rezone parcel from County LI (Light Industrial) to City LI (Light Industrial)** for the property located at 2750 McCollum Parkway and identified as Land Lot 136, Tax Parcel 179.

Motion carried. Vote: 4-0 Yeas: Jeff Powers, Allan Davis, Richard Anderson and Debra Williams. Nays: None.

ZV2010-01) - Variance Request Consideration to approve variance request submitted by Hank Picken (Picken Properties, LLC, for property located at 2750 McCollum Parkway. Applicant is seeking variance for side building set-back on the East side of the property from 20' to 10.9'. Property identified as Land Lot 136, Tax Parcel 179, 20th District, 2nd Section, consisting of .1.917+/- acres. (Mayor and Council 02/15/2010)

Staff presented the application for variance. Mr. Simmons noted that the existing building requires a setback variance to reduce the side yard setback from the required twenty feet to 10.9 feet. The existing building placement is currently not in compliance with City's LI (Light Industrial) setback standards upon annexation and rezoning. The City's standards within the Light Industrial zone, requires 20' side setbacks

and the existing structure would not be in compliance, unless the variance was received. There is sufficient hardship shown, Mr. Simmons commented.

Floor opened for public comment, being none floor was closed for public comment.

Motion was made by Jeff Powers, seconded by Richard Anderson **to approve the requested variance for the side building setback on the East side of the property from 20' to 10.9'** for the parcel located at 2750 McCollum Parkway and identified as Land Lot 136, Tax Parcel 179.

Motion carried. Vote: 4-0 Yeas: Jeff Powers, Allan Davis, Richard Anderson and Debra Williams. Nays: None.

Staff Comments – Brief discussion on the proposed Bylaws for the Planning Commission. Commissioners were asked to review and comment on the proposed document, which was given to them. Matter of formal adoption will take place at a later date, once they have been reviewed by City personnel and City attorney.

Also discussed was the training requirement, which is to be made part of the Bylaws for the Commission. Matter was made to incorporate on a quarterly basis training sessions, which could be held on a Saturday morning. Topics of training requested by members were legal aspects and Leeds. Staff brought forth that CD's have been purchased for training use and that one purchased was legal aspects.

It was noted that there are no applications for the March meeting so suggested that we hold the regular meeting to discuss the Bylaws and then follow with a training session.

Adjournment

There being no further business, motion was made and seconded to adjourn this meeting at 8:30 P.M. The next meeting of the Planning Commission is scheduled to be held on March 03, 2010 at 7:00pm.

Respectfully submitted

Diane Wroblewski

Diane Wroblewski, Assistant Zoning Administrator